

Remarks

The Examiner has finally rejected claims 1, 3-5, 8-11, 14 and 16-18 as being unpatentable over US Patent No. 6,650,284 in view of US Patent No. 6,748,226. Claims 2, 6, 7, 12, 13, 15 and 19 are rejected under 35 U.S.C. 103 as being obvious over the aforementioned two US Patents further in view of GB 2,339,356.

These grounds for rejection are respectfully traversed.

On page 2 of the official action, the Examiner discusses both US Patent No. 6,650,284 and US Patent No. 6,748,226. The Examiner puts together a rationale for combining the two references which seems to be related to Wortham's ability to provide a technology that seems to be basically differential GPS.

As the Examiner is doubtlessly aware, differential GPS was created to deal with the Selective Availability error that the DOD used to put purposefully into the GPS signals. Differential GPS can also be utilized to account for propagation errors.

Usually, the timing signals received from the GPS satellites are used to calculate a roving station's present location. Differential GPS improves on the fixes for the roving location by means of a reference location whose location is well established such as site 40 depicted in Figure 1 of the '226 Patent. The reference station receives the same GPS signals that the roving station receives, but instead of working like a normal GPS receiver, it attacks the equations used to solve for the station's location backwards. That is, instead of using the timing signals to calculate its position, it uses its known position to calculate what the timing signals from the satellite should be. It compares these calculations with what it actually receives. The difference is a "error correction" factor. The reference station then transmits the error information to the roving receiver so that the roving receiver can use it to compensate the errors in the GPS signals which it is receiving from the satellite and thereby know its position more accurately. The inherent assumption is, of course, that whatever errors the reference station sees, the roving station will see exactly the same errors and therefore the roving station can calculate its

position exactly. If the two stations, namely the reference station and the roving station, encounter somewhat different errors, then the error correction signal is not going to compensate for all of the error that the roving station receives. However, those skilled in the art realize that differential GPS can significantly improve the fix provided by the GPS satellites, particularly when Selective Availability is imposed on the transmitted GPS signals.

The Examiner admits that the '284 Patent does not "disclose a method of obtaining location updates from two sources..." However, the '226 Patent does not make up for that lack in Mannings. The '226 Patent appears to be nothing more than differential GPS and therefore it does not disclose "a method of obtaining the location data from two independent sources" as asserted by the Examiner. Rather, the reference information, instead of being "location data" is error data. Moreover, the information from the reference source certainly does not provide "location data indicative of the current location of the mobile entity from at least one other source of location data that operates independently of said first source and the location updates provided thereby" as specifically set forth in claim 1 for at least two reasons.

First, the reference transmitter in the '226 patent does not provide "location data indicative of the current location of the mobile entity." Rather, it provides only correction data so that the mobile entity can refine its own position fix. Moreover, it can hardly be said that the "at least one other source of location data...operates independently of said first source" when, in order for the mobile entity to do a calculation fix, needs to know both the information from the first source (the satellites in the case of differential GPS) as well as the at least one other source (the fixed location in the case of differential GPS). The usefulness of the data provided from the second source (the reference source) is quite dependent upon the information received from the first source. Without the information from the first source, the error information from the second source is quite meaningless.

So, even if it is assumed that it would be obvious to combine the teachings of '284 and '226, the resulting combination certainly does not render obvious claim 1.

Since the two references cited by the Examiner fail to meet all of the limitations of claim 1, it is hardly necessary to discuss the other claims in this application, all of which are dependent one way or another upon claim 1, and therefore include at least all of its limitations.

One of the problems in the official action is that while the Examiner spends some time discussing why she felt it was obvious to combine the disclosures of the '284 Patent and the '226 Patent, which discussion is found on page 2 of the official action, the Examiner spends very little time discussing how this asserted combination is supposed to read upon claim 1, for example. The Applicant, in the foregoing discussion, has operated from the assumption that the Examiner is trying to read the "first source" based upon the satellite data and the "at least one other source" on error data provided by the reference site. Of course, the Applicant has already pointed out why that cannot be read upon claim 1.

However, the problems in not making clear to the Applicant what technology the Examiner is trying to read upon what in the claims, becomes even more stark when one looks at claim 2. Claim 2 recites that the first source of location data "derives location data from a cellular radio network" and that the "at least one other source of location data being short range location beacons."

In the official action, the Examiner asserts that '284 is modified by '226 "discloses all the limitations as claimed" (a point which the Applicant denies). The Examiner goes on to assert that "however he does not disclose a method where the other source of information is from short-range beacons." The problem here is that the Examiner assumes that the '284 Patent meets the limitation "periodically obtaining location updates..." "from a cellular radio network..." "indicative of the current location of the mobile entity." How does the '284 Patent possibly meet that limitation? As the Examiner will note by reference to Figure 1 of the '284 Patent, the disclosed apparatus has both a GPS receiver 7 and a cellular telephone interface 1. Does the Examiner assert that the '284 patent receives location updates "indicative of the current location of the mobile entity" from the cellular telephone network or from the GPS receiver? Note the

discussion in the '284 Patent where it indicates that the "mobile part obtains location information using the GPS receiver 7 and then transmits this information, together with a request for directions to a specified destination, to the fixed part" via the cellular telephone system. As such, it is very unclear how the Examiner intends to read either claim 1 or claim 2 on the Patents being cited.

If the Applicant has to take this matter on Appeal, then the Applicant needs to know exactly what the Examiner is reading on what. The Applicant should not have to speculate as to why the claims are being rejected and, moreover, the Rules of Practice specifically put the onus on the Examiner of making the rejections clear. Please see 37 CFR 1.104(c)(2) which imposes upon the Examiner to indicate the particular part of each reference relied upon "as nearly as practicable" when rejecting claims. The Examiner is respectfully requested to do this limitation by limitation so that the Applicant does not have to speculate as to exactly how the limitations of the claims are being read in view of the references being cited by the Examiner.

As things presently stand, the Examiner has issued a final rejection without advising the Applicant with the clarity required by the Rules of Practice exactly why the Applicant's claims are being rejected. Applicant has pointed out, for claims 1 and 2, particular limitations which could not be found in the cited art.

For the reasons indicated, it is believed that the prior art rejections are not proper and should be withdrawn. As such, the Examiner is respectfully requested to reconsider the prior art rejections and to withdraw them.

If the Examiner refuses to withdraw the prior art rejections, then the Examiner is requested, at the very least, to make the prior art rejections clear so that Applicant does not have to speculate as to why the Applicant's claims are being rejected should this matter be taken on Appeal.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents

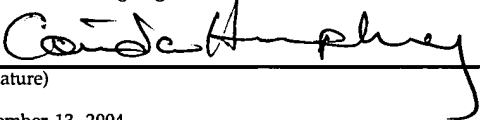
PO Box 1450, Alexandria, VA 22313-1450 on

September 13, 2004

(Date of Deposit)

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September 13, 2004

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